

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,)	No. CR-11-00126-PHX-JAT
)	(Supervised Release Violation)
Plaintiff,)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF THE MAGISTRATE JUDGE
Jaime Avila, Jr.,)	UPON AN ADMISSION AND ORDER
)	
Defendant.)	

TO THE HONORABLE JAMES A. TEILBORG, UNITED STATES DISTRICT
JUDGE:

Upon Defendant's request to enter an admission to the violation(s) of supervised release, pursuant to Rule 57.6(d)(4) of the Local Rules of Criminal Procedure, this matter came on for hearing before United States Magistrate Judge John Z. Boyle on October 22, 2020, with the written consents of Defendant, counsel for Defendant, and counsel for the United States of America. After consultation with counsel Defendant has orally consented on the record to proceed via video conference and Defendant indicated his counsel is authorized to sign the consent form on his behalf after reviewing it in its entirety with counsel.

In consideration of that hearing and the statements made by Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant,

I FIND as follows:

1 (1) that Defendant understands the nature of the supervised release violation(s)
2 alleged and the nature of the violation to which Defendant is admitting;

3 (2) that Defendant understands the right to a revocation hearing, to persist in
4 denials, to the assistance of counsel, and appointed counsel if necessary, to confront and
5 cross-examine adverse witnesses, the right against compelled self-incrimination, to testify
6 and present evidence, and to compel the attendance of witnesses;

7 (3) that Defendant understands the maximum disposition for the supervised release
8 violation, including imprisonment, fine and supervised release, and where applicable, any
9 mandatory minimum penalty; that Defendant understands that the disposition guidelines
10 are advisory, not mandatory, and that the disposition judge may depart from those
11 guidelines;

12 (4) that Defendant understands that by admitting to violation(s) of supervised
13 release Defendant waives the right to a revocation hearing;

14 (5) that Defendant's admission to violating supervised release has been
15 knowingly, intelligently and voluntarily made and is not the result of force or threats;

16 (6) that Defendant is competent to admit to a supervised release violation;

17 (7) that there is a factual basis for Defendant's admission; and

18 (8) that Defendant is satisfied with counsel's representation.

19 **I RECOMMEND** that the Court accept Defendant's admission of the violation(s)
20 of supervised release.

21 **ORDER**

22 **IT IS ORDERED** that any objection to the admission to a violation of supervised
23 release proceedings and any request for supplementation of those proceedings be made
24 by the parties in writing and shall be specific as to the objection or request made. All
25 objections or requests for supplementation shall be filed within fourteen (14) days of the
26 date of service of a copy of these findings unless extended by an Order of the assigned
27 District Judge.
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